

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN DEERE DEFERRED SAVINGS PLAN
FOR WAGE EMPLOYEES and DEERE & CO.,

Case No. 06-C-1235

Plaintiffs,

vs.

ESTATE OF ALAN R. PROPST, RENEE J.
PROPST, DIANE M. REGER, JULIE M. MAAS,
SHIRLEY WARMKA, GARY L. PROPST and
DONALD G. PROPST,

Defendants.

AMENDED ORDER

Based upon the foregoing Stipulation of the parties,

IT IS HEREBY ORDERED:

That the Decision and Order dated December 28, 2007 (Docket No. 60) is hereby amended to provide the following relief in lieu of the relief ordered therein:

(1) Renee Propst's motion for summary judgment, (Docket No. 40), is **granted**. The account of Alan Propst being held by the John Deere Tax Deferred Savings Plan for Wage Employees, after first reducing such account by the amount for reasonable attorneys' fees and costs, as set forth below, shall be made available to Renee Propst pursuant to such Plan's normal procedures for making 401(k) accounts available to surviving spouses of deceased Deere employees.

(2) The plaintiffs' motion to be dismissed as a party in this action, (Docket No. 43), is **granted**.

(3) The plaintiffs' motions for costs and attorneys' fees, (Docket No. 43), is **granted** in the amount of \$15,000.00. The account of Alan Propst being held by the John Deere Tax Deferred Savings Plan for Wage Employees shall be reduced by the amount of \$15,000.00, prior to permitting distribution to Renee Propst, which amount shall remain the property of the Plan.

(4) The clerk shall amend the judgment accordingly.

Dated at Milwaukee, Wisconsin this 13th day of February 2008.

BY THE COURT

s/AARON E. GOODSTEIN
U.S. Magistrate Judge